



House of Representatives

File No. 866

General Assembly

January Session, 2013

(Reprint of File No. 737)

Substitute House Bill No. 6689
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2013

AN ACT CONCERNING BAIL BONDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) There is established a task force
2 to examine (1) methods for reducing the costs incurred to extradite an
3 individual to the state with respect to criminal proceedings against
4 such individual, and (2) the feasibility of permitting a court to vacate
5 an order forfeiting a bail bond when a professional bondsman, surety
6 bail bond agent or insurer pays the costs of extraditing the principal on
7 the forfeited bail bond.

8 (b) The task force shall consist of the following members:

9 (1) One appointed by the speaker of the House of Representatives,
10 who shall be a surety bail bond agent or a professional bondsman in
11 this state;

12 (2) One appointed by the president pro tempore of the Senate, who
13 shall be a representative of an insurer, as defined in section 38a-660 of
14 the general statutes;

15 (3) One appointed by the majority leader of the House of
16 Representatives;

17 (4) One appointed by the majority leader of the Senate;

18 (5) One appointed by the minority leader of the House of
19 Representatives;

20 (6) One appointed by the minority leader of the Senate;

21 (7) The Commissioner of Emergency Services and Public Protection,
22 or the commissioner's designee;

23 (8) A representative of the United States Marshals Service, who shall
24 be appointed by the United States Marshal for the District of
25 Connecticut; and

26 (9) The Chief State's Attorney.

27 (c) Any member of the task force appointed under subdivision (3),
28 (4), (5) or (6) of subsection (b) of this section may be a member of the
29 General Assembly.

30 (d) All appointments to the task force shall be made not later than
31 thirty days after the effective date of this section. Any vacancy shall be
32 filled by the appointing authority.

33 (e) The Chief State's Attorney shall serve as chairperson of the task
34 force. Such chairperson shall schedule the first meeting of the task
35 force, which shall be held not later than sixty days after the effective
36 date of this section.

37 (f) The administrative staff of the joint standing committee of the
38 General Assembly having cognizance of matters relating to the
39 judiciary shall serve as administrative staff of the task force.

40 (g) Not later than January 15, 2014, the task force shall submit a
41 report on its findings and recommendations to the joint standing

42 committee of the General Assembly having cognizance of matters
43 relating to the judiciary, in accordance with the provisions of section
44 11-4a of the general statutes. The task force shall terminate on the date
45 that it submits such report or January 15, 2014, whichever is later.

46 Sec. 2. Section 54-65 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2013*):

48 (a) Any surety in a recognizance in criminal proceedings, who
49 believes that [his] such surety's principal intends to abscond, shall
50 apply to a judge of the Superior Court, produce [his] such surety's bail
51 bond or evidence of [his] being a surety, and verify the reason of [his]
52 such surety's application by oath or otherwise. Thereupon, the judge
53 shall immediately grant a mittimus, directed to a proper officer or
54 indifferent person, commanding [him] such officer or person
55 immediately to arrest the principal and commit [him] the principal to a
56 community correctional center. The Community Correctional Center
57 Administrator shall receive and retain the principal [and retain him] in
58 a community correctional center until discharged by due order of law.
59 The surrender of the principal shall be a full discharge of the surety
60 upon [his] such surety's bond or recognizance.

61 (b) If the principal of a surety in a recognizance in criminal
62 proceedings absconds, such surety may apply in writing, prior to six
63 months after the date the bond is ordered forfeited, to a judge of the
64 Superior Court to be released from such bond. The judge may release
65 such surety from such bond for good cause shown.

66 Sec. 3. Section 54-65a of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2013*):

68 (a) (1) Whenever an arrested person is released upon the execution
69 of a bond with surety in an amount of five hundred dollars or more
70 and such bond is ordered forfeited because the principal failed to
71 appear in court as conditioned in such bond, the court shall, at the time
72 of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a
73 capias directing a proper officer to take the defendant into custody,

74 [(2)] (B) provide written notice to the surety on the bond that the
75 principal has failed to appear in court as conditioned in such bond,
76 except that if the surety on the bond is an insurer, as defined in section
77 38a-660, the court shall provide such notice to such insurer and not to
78 the surety bail bond agent, as defined in section 38a-660, and [(3)] (C)
79 order a stay of execution upon the forfeiture for six months. The court
80 may, in its discretion and for good cause, extend such stay of
81 execution. A stay of execution shall not prevent the issuance of a
82 rearrest warrant or a capias.

83 (2) When the principal whose bond has been forfeited is returned to
84 custody pursuant to the rearrest warrant or a capias within six months
85 [of] after the date such bond was ordered forfeited or, if a stay of
86 execution was extended, within the time period inclusive of such
87 extension of the date such bond was ordered forfeited, the bond shall
88 be automatically terminated and the surety released and the court shall
89 order new conditions of release for the defendant in accordance with
90 section 54-64a.

91 (3) When the principal whose bond has been forfeited returns to
92 court voluntarily within five business days [of] after the date such
93 bond was ordered forfeited, the court may, in its discretion, and after
94 finding that the defendant's failure to appear was not wilful, vacate the
95 forfeiture order and reinstate the bond. [Such stay of execution shall
96 not prevent the issuance of a rearrest warrant or a capias.]

97 (4) When the accused person whose bond has been forfeited returns
98 to court voluntarily more than five business days and less than six
99 months after the date such bond was ordered forfeited, the bond shall
100 be automatically terminated and the surety released and the court shall
101 order new conditions of release for the defendant in accordance with
102 section 54-64a.

103 (b) Whenever an arrested person, whose bond has been forfeited, is
104 returned to the jurisdiction of the court within one year [of] after the
105 date such bond was ordered forfeited, the surety on such bond shall be

106 entitled to a rebate of that portion of the forfeited amount as may be
107 fixed by the court or as may be established by a schedule adopted by
108 rule of the judges of the court.

109 Sec. 4. Section 54-66 of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective October 1, 2013*):

111 (a) (1) In any criminal case in which a bond is allowable or required
112 and the amount thereof has been determined, the accused person, or
113 any person ~~[in]~~ on the accused person's behalf, ~~[(1)]~~ (A) may deposit,
114 with the clerk of the court having jurisdiction of the offense with which
115 the accused stands charged or any assistant clerk of such court who is
116 bonded in the same manner as the clerk or any person or officer
117 authorized to accept bail, a sum of money equal to the amount called
118 for by such bond, or ~~[(2)]~~ (B) may pledge real property, the equity of
119 which is equal to the amount called for by such bond, provided the
120 person pledging such property is the owner of such property, and such
121 accused person shall thereupon be admitted to bail.

122 (2) When cash bail is offered, such bond shall be executed and the
123 money shall be received in lieu of a surety or sureties upon such bond.
124 Such cash bail shall be retained by the clerk of such court until a final
125 order of the court disposing of the same is passed; provided, if such
126 bond is forfeited, the clerk of such court shall pay the money to the
127 payee named therein, according to the terms and conditions of the
128 bond. When cash bail in excess of ten thousand dollars is received for a
129 person accused of a felony, where the underlying facts and
130 circumstances of the felony involve the use, attempted use or
131 threatened use of physical force against another person, the clerk of
132 such court shall prepare a report that contains (A) the name, address
133 and taxpayer identification number of the accused person, (B) the
134 name, address and taxpayer identification number of each person
135 offering the cash bail, other than a person licensed as a professional
136 bondsman under chapter 533 or a surety bail bond agent under
137 chapter 700f, (C) the amount of cash received, and (D) the date the cash
138 was received. Not later than fifteen days after receipt of such cash bail,

139 the clerk of such court shall file the report with the Department of
140 Revenue Services and mail a copy of the report to the state's attorney
141 for the judicial district in which the court is located and to each person
142 offering the cash bail.

143 [(b)] (3) When real property is pledged, the pledge shall constitute a
144 lien on the real property upon the filing of a notice of lien in the office
145 of the town clerk of the town in which the real property is located. The
146 lien shall be in an amount equal to the bond set by the court. The
147 notice of lien shall be on a form prescribed by the Office of the Chief
148 Court Administrator. Upon order of forfeiture of the underlying bond,
149 the state's attorney for the judicial district in which the forfeiture is
150 ordered shall refer the matter to the Attorney General and the
151 Attorney General may, on behalf of the state, foreclose such lien in the
152 same manner as a mortgage. The lien created by this subsection shall
153 expire six years after the forfeiture is ordered unless the Attorney
154 General commences an action to foreclose it within that period of time
155 and records a notice of lis pendens in evidence thereof on the land
156 records of the town in which the real property is located. If the bond
157 has not been ordered forfeited, the clerk of the court shall authorize the
158 recording of a release of such lien upon final disposition of the
159 criminal matter or upon order of the court. The release shall be on a
160 form prescribed by the Office of the Chief Court Administrator.

161 [(c)] (b) (1) Whenever an accused person is released upon the
162 deposit by a person on behalf of the accused person of a sum of money
163 equal to the amount called for by such bond or upon the pledge by a
164 person on behalf of the accused person of real property, the equity of
165 which is equal to the amount called for by such bond, and such bond is
166 ordered forfeited because the accused person failed to appear in court
167 as conditioned in such bond, the court shall, at the time of ordering the
168 bond forfeited: [(1)] (A) Issue a rearrest warrant or a capias directing a
169 proper officer to take the accused person into custody, [(2)] (B) provide
170 written notice to the person who offered cash bail or pledged real
171 property on behalf of the accused person that the accused person has
172 failed to appear in court as conditioned in such bond, and [(3)] (C)

173 order a stay of execution upon the forfeiture for six months. The court
174 may, in its discretion and for good cause, extend such stay of
175 execution. A stay of execution shall not prevent the issuance of a
176 rearrest warrant or a capias.

177 (2) When the accused person whose bond has been forfeited is
178 returned to custody pursuant to the rearrest warrant or a capias within
179 six months of the date such bond was ordered forfeited or, if a stay of
180 execution was extended, within the time period inclusive of such
181 extension of the date such bond was ordered forfeited, the bond shall
182 be automatically terminated and the person who offered cash bail or
183 pledged real property on behalf of the accused person shall be released
184 from such obligation and the court shall order new conditions of
185 release for the accused person in accordance with section 54-64a.

186 (3) When the accused person whose bond has been forfeited returns
187 to court voluntarily within five business days of the date such bond
188 was ordered forfeited, the court may, in its discretion, and after finding
189 that the accused person's failure to appear was not wilful, vacate the
190 forfeiture order and reinstate the bond. [Such stay of execution shall
191 not prevent the issuance of a rearrest warrant or a capias.]

192 Sec. 5. Section 54-65c of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2013*):

194 A court shall vacate an order forfeiting a bail bond and release the
195 professional bondsman, as defined in section 29-144, or the surety bail
196 bond agent and the insurer, as both terms are defined in section 38a-
197 660, if (1) the principal on the bail bond (A) is detained or incarcerated
198 (i) in another state, territory or country, or (ii) by a federal agency, or
199 (B) has been removed by United States Immigration and Customs
200 Enforcement, and (2) the professional bondsman, the surety bail bond
201 agent or the insurer provides satisfactory proof of such detention, [or]
202 incarceration or removal to the court and the state's attorney
203 prosecuting the case, and (3) the state's attorney prosecuting the case
204 declines to seek extradition of the principal.

205 Sec. 6. Section 54-66a of the general statutes is repealed and the
 206 following is substituted in lieu thereof (*Effective October 1, 2013*):

207 Any bail bond posted in any criminal proceeding in this state shall
 208 be automatically terminated and released whenever the defendant: (1)
 209 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
 210 granted admission to the pretrial alcohol education program pursuant
 211 to section 54-56g; (3) is granted admission to the pretrial family
 212 violence education program pursuant to section 46b-38c; (4) is granted
 213 admission to the community service labor program pursuant to section
 214 53a-39c; (5) is granted admission to the pretrial drug education
 215 program pursuant to section 54-56i; (6) has the complaint or
 216 information filed against such defendant dismissed; (7) is acquitted; (8)
 217 is sentenced by the court and such sentence commences; (9) is granted
 218 admission to the pretrial school violence prevention program pursuant
 219 to section 54-56j; (10) is charged with a violation of section 29-33 and
 220 prosecution has been suspended pursuant to subsection (h) of section
 221 29-33; or (11) is granted admission to the supervised diversionary
 222 program for persons with psychiatric disabilities pursuant to section
 223 54-56l.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2013</i>	54-65
Sec. 3	<i>October 1, 2013</i>	54-65a
Sec. 4	<i>October 1, 2013</i>	54-66
Sec. 5	<i>October 1, 2013</i>	54-65c
Sec. 6	<i>October 1, 2013</i>	54-66a

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Legislative Mgmt.; Various State Agencies	GF - Potential Cost	Less than 1,000	None

Municipal Impact: None

Explanation

The bill makes various changes to laws concerning bail bonds and does not result in a fiscal impact.

Additionally, the bill may result in a cost of less than \$1,000 to agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

House "A" adds the task force provisions which results in the potential cost identified above.

The Out Years

There is no ongoing fiscal impact as the task force terminates by FY 14.

OLR Bill Analysis**sHB 6689 (as amended by House "A")******AN ACT CONCERNING BAIL BONDS.*****SUMMARY:**

This bill makes a number of changes relating to bail bonds, including:

1. allowing a surety, under certain circumstances, to apply to the court to be released from a bond after a principal absconds;
2. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order;
3. automatically terminating a bond and releasing a surety when an accused voluntarily returns between five business days and six months after a bond forfeiture order;
4. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or is removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition; and
5. specifying that a bond that is automatically terminated when a defendant is sentenced by a court terminates when the sentence begins.

The bill also creates a nine-member task force to examine ways to reduce the costs of extraditing someone to Connecticut for criminal proceedings and the feasibility of allowing courts to vacate bond forfeiture orders when a professional bondsman, surety bail bond

agent, or insurer pays the extradition costs.

*House Amendment "A" (1) eliminates a provision reducing the minimum down payment and extending the payment period for bond premium financing agreements and (2) adds the provision creating the task force.

EFFECTIVE DATE: October 1, 2013, except the provision creating the task force is effective upon passage.

ABSCONDING PRINCIPAL

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must issue an order to take the person into custody. The bill allows the surety to apply to the court in writing to be released from a bond after a principal absconds and within six months of a bond forfeiture order. The bill allows a judge to release a surety for good cause.

EXTENDING STAY OF FORFEITURE ORDER

When someone deposits cash or pledges real property equal to the amount of bond or a person posts a surety bond of \$500 or more, the law requires the court to (1) order the bond forfeited if the accused does not appear in court and (2) issue a rearrest warrant. Currently, the court stays execution of the forfeiture for six months and, if the person is returned to custody during that period, the bond is automatically terminated, a person who offered cash bail or pledged real property on behalf of the accused is released, and the court sets the accused's new conditions of release.

The bill allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

VOLUNTARY RETURN BY THE ACCUSED

By law, if an accused person voluntarily returns to court within five days after an order forfeiting a surety bond of \$500 or more, the court can vacate the forfeiture order and reinstate the bond if the failure to

appear was not willful.

If the person returns voluntarily more than five business days but less than six months after the forfeiture order, the bill requires the court to (1) automatically terminate the bond, (2) release the surety, and (3) order the person's new conditions of release.

ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when (1) the accused is held in another state, territory, or country; (2) the bondsman, agent, or insurer provides proof of the accused's detention; and (3) the state's attorney prosecuting the case does not seek to extradite the accused. The bill also requires the court to vacate a bond forfeiture order and release these individuals if the accused is held by a federal agency or is removed by ICE. The bill specifies that the bondsman, agent, or insurer must provide satisfactory proof that one of these circumstances exists.

TASK FORCE ON EXTRADITIONS

The bill creates a task force to examine:

1. ways to reduce the costs of extraditing someone to Connecticut for criminal proceedings against the person and
2. the feasibility of allowing courts to vacate bond forfeiture orders when a professional bondsman, surety bail bond agent, or insurer pays the extradition costs for the principal on the forfeited bond.

Under the bill, the following are task force members:

1. a surety bail bond agent or professional bondsman in Connecticut, appointed by the House speaker;
2. a representative of an insurer qualified to conduct bail bond

business in Connecticut, appointed by the Senate president pro tempore;

3. four members, who may be legislators, with the House and Senate majority and minority leaders each appointing one;
4. emergency services and public protection commissioner or his designee;
5. a representative of the U.S. Marshals Service, appointed by the U.S. marshal for the District of Connecticut; and
6. the chief state's attorney.

The bill requires appointing authorities to make their appointments within 30 days of the bill's passage and fill any vacancies. The bill designates the chief state's attorney as chairman and requires him to schedule and hold the first meeting within 60 days of the bill's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

The bill requires the task force to report its findings and recommendations to the Judiciary Committee by January 15, 2014. The task force terminates on the later of that date or when it submits the report.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)